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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,821	09/24/1999	RAJUGOPAL R. GUBBI	003498.P033	9945

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Winstead Sechrest & Minick PC
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EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/405,821

Applicant(s)

GUBBI,

RA

Examiner

Roberta A Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,8,9,13,15-19,21,22, 24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19,21,22,24 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 6,8,13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6, 8, 13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Janex (U.S. 5544075).

3. Regarding claim 6, Janex teaches (abstract and figures 2, 3 and 4) a method for improving network performance in a network having a slotted link architecture, comprising: assigning a time slot within a network frame to each device in the network; providing an unassigned time slot within each network frame (column 1, lines 30-35); performing a clear channel assessment at a first device taking into account the first device's designated transmission time slot within a network frame with respect to those of other network devices; and transmitting data during the unassigned time slot responsive to the clear channel assessment (columns 3-4).

4. Regarding claim 8, Janex teaches (columns 3, lines 60-65) a clear channel assessment comprising waiting for an expiration of a time period that is the product of a predetermined clear channel waiting time and a numerical representation of the first device's designated transmission time slot within the communication channel.

5. Regarding claim 13, Janex teaches (figures 2, 3 and 4) a method comprising negotiating a transmission time in a TDM communication channel independent of a need to transmit asynchronous data within idle times of a transmission frame period, wherein, transmission of asynchronous data within the idle times are scheduled by devices utilizing the communication

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channel according to a clear channel assessment time and transmission characteristics (designated transmission time slots) of other devices transmitting within the channel (columns 3-4).

6. Regarding claim 15, Janex teaches (column 1, lines 30-35) the transmission characteristics comprise designated transmission time slots within the transmission channel

7. Regarding claims 16, Janex teaches (figures 2, 3 and 4) a method comprising accommodating asynchronous data transmission within a synchronized network, in which inter-node communications are organized into frames of time periods by permitting such asynchronous communications within otherwise idle times within those frames having unused idle times that occur upon completion of all regularly scheduled transmissions within such frames, wherein the unused idle times are shared by utilizing clear channel assessment by nodes within the network (columns 3 and 4).

8. Regarding claim 17, Janex teaches (columns 3-4) use of idle times takes into account a transmitting node's designated transmission time within a particular frame with respect to transmission times of other nodes of the network.

9. Regarding claim 18, Janex teaches (column 3) transmissions are self-organized and/or self-synchronized by nodes of the network without direct scheduling assistance from a network master.

Allowable Subject Matter

10. Claims 19, 21-22, 24, and 26-29 are allowed.

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11. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4700.

15. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306

For informal draft communications, please label "PROPOSED" or "DRAFT"

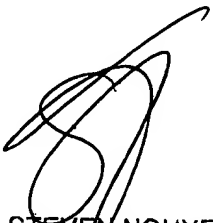
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

05-10-04



STEVEN NGUYEN
PRIMARY EXAMINER